IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

Bail Appl..No. 6271 of 2007()

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CRIME NO.160/07 OF KELAKAM POLICE STATION

PETITIONER/1ST ACCUSED

BALAKRISHNAN A, S/O.KUNHAMBU,
AGED 32, OCCUPATION COOLIE, RESIDENT OF
KELOTH VALAPPIL HOUSE, CHEDICHERY,
PERUVALATHUPARAMBU P.O., IRIKKUR VIA,
TALIPARAMBA TALUK, KANNUR DISTRICT.

BY ADV. SRI.RAJESH NAMBIAR

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE S.H.O., KELAKAM POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No.6271 OF 2007

Dated this the 17th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner is the husband of the de facto complainant. He faces allegations of matrimonial cruelty of the culpable variety punishable under Sec.498A of the IPC. The marriage took place on 15/3/06. The spouses are blessed with one child. The crime was registered on the basis of a private complaint filed by the de facto complainant before the learned Magistrate and referred it the police by the learned Magistrate under Sec.156(3) of the Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest. Some of the co-accused have been deleted. Others have been granted anticipatory bail by the learned Sessions Judge.

2. The learned counsel for the petitioner prays, the

learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can be granted anticipatory bail. In coming to this conclusion, I take note of the fact that the arrest and incarceration of the petitioner are likely to mar all possibilities of harmonious settlement of the matrimonial dispute. I do further take note of the submission of the learned Public Prosecutor that no external injury has resulted from the alleged cruelty inflicted on the victim. That there is an infant child is also particularly taken note of by me.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 24/10/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 25/10/07 and 26/10/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when

directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 24/10/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 24/10/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge